

REMARKS

The Office Action mailed December 5, 2008, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. No new matter has been introduced. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

Claim Status

Claims 1 – 17 are pending. By this Amendment, Applicant has amended Claims 1 and 11 in order to correct informalities and to further point out, with particularity the subject matter that Applicant regards as the invention. Claims 2 – 4 have been cancelled. Consequently, the claims under consideration are believed to include Claims 1 and 5 – 17.

Claim Rejections under §102

Claims 1 – 2, 6, 9 – 12, 14 and 16 stand rejected under 35 U.S.C. §102(b) as being anticipated by Moells, et al., (DE 2508246 A). This rejection is respectfully overcome.

The Office states, “Moells, et al., teaches a process for removing water-soluble ionic compound from aqueous solutions using ultra-filtration and wherein the ionic compound is Direct Blue 78, having a formula identical to the claimed formula (I) (see STIC Search Report at page 48, the abstract, and page 49, the formula)...”

It is well settled that anticipation under 35 U.S.C. §102(b) requires the prior art reference to teach each and every aspect of an Applicant's invention. Newly amended Claim 1 is directed to formula 1 which is not taught by Moells, et al. Therefore, Moells, et al., can not anticipate applicant's invention, because it fails to provide such a compound and for at least this reason, Applicant respectfully requests reconsideration and withdrawal of the §102 rejection of Claim 1 and all claims depending therefrom.

Claim Rejections under §103

Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Moells, et al., (DE 2508246 A) in view of Misawa, et al., (US 5,739,298). This rejection is respectfully moot, as claims 3 and 4 have been cancelled by this Amendment.

Claims 5, 7 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Moells, et al., (DE 2508246 A) in view of Michna, et al., (US 5,145,485). This rejection is respectfully overcome.

With respect to Claims 5, 7 and 8, the Office is of the position that the prior art teaches a concentrated aqueous dye solution according to instant Claims 5, 7, and 8. Yet on the top of page 4, the Office admits:

“The disclosure of Moells, et al. (DE' 246 A), as described above, does not teach or disclose a process for removing water-soluble ionic compound from aqueous solutions using ultra-filtration wherein the dye solution is mixed with cationic alkanolamines or triethanolammonium compounds.”

The Office attempts to invoke Moells, et al., for the teaching of a process wherein the aqueous solution or suspension of the at least one anionic crude dye is continuously or intermittently replaced or supplemented by water or buffer solution or a process wherein the cations are alkanolamines or alkanolammonium salts. In order to make a *prima facie* case of obviousness, it is beyond contention that each and every aspect of a claimed invention must be taught by the prior art. Here, the Office fails to establish a *prima facie* case for this exact reason. The Office admits that the Moells et al., prior art does not teach, disclose or suggest the processes of Claims 5, 7, and 8. Given this deficiency, for at least this reason, it is respectfully submitted that the Office has not made a *prima facie* case of obviousness with regard to Claims 5, 7, and 8.

For at least the reasons stated above, Applicant is of the courteous position that the §103 rejections of Claims 5, 7 and 8 have been overcome. Reconsideration and withdrawal of the §103 rejections are respectfully and earnestly solicited.

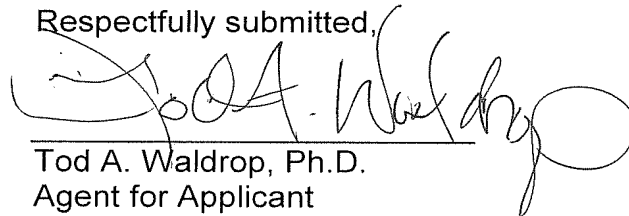
Claims 13, 15, and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Moells, et al., (DE 2508246 A). This rejection is respectfully overcome.

The dye according to newly amended Claim 1, is not taught, disclosed or suggested by Moells, et al. Applicant is therefore of the humble opinion that Claims 13, 15, and 17, all of which depend from Claim 1, can not be held as obvious over Moells, et al. For at least these reasons, Applicant is of the courteous position that the §103 rejections of Claims 13, 15, and 17 have been overcome. Reconsideration and withdrawal of the §103 rejections are respectfully and earnestly solicited.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However, if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, please contact the Agent for Applicant at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tod A. Waldrop', is written over a horizontal line.

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